

13281 U.S. PTO  
08/18/03

REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR  
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)  
Submit an original and a duplicate for fee processing

171197 U.S. PTO  
10/642498  
08/18/03

THIS APPLICATION: DOCKET NUMBER	09/155,406 FILING DATE	PRIOR APPLICATION: EXAMINER	ART UNIT	TOTAL NO. OF PAGES
P63074US0	December 2, 1998	Patricia K. Bex	1743	5

Address to:

Commissioner for Patents  
P.O. Box 1450  
Mail Stop Patent Application  
Alexandria, VA 22313-1450

**RULE 53(f) - NO FEE**

This is a request for filing a [X] continuation or [ ] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. 09/155,406 filed on December 2, 1998, entitled **AUTOMATIC DIAGNOSTIC APPARATUS** by the following inventor(s).

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[x] additional sheet(s) with inventors information attached

Inventors cont'd.

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A Second Preliminary Amendment is enclosed.  
 Cancel claim(s) \_\_\_\_\_ for purposes of lessening filing fees.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

CLAIMS

Basic Fee		\$375	\$750
Total Claims	- 20 =	x 9 = \$	x 18 = \$
Ind. Claims	- 3 =	x 42 = \$	x 84 = \$
<input type="checkbox"/> Multiple Dependent Claims		<u>+140 = \$</u>	<u>+280 = \$</u>
		Total \$	Total \$

3.  The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

4.  This application is filed under Rule 53(f) and therefore the  Filing Fee  Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 37 C.F.R. 1.16 fees previously made is revoked.

5.  A check in the amount of \$\_\_\_\_\_ is enclosed.

6.  Amend the specification by inserting before the first line the sentence:  
  
This is a continuation of application Serial No. 09/155,406 filed December 2, 1998.  
 which in turn is

7.  A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:

- was claimed by way of a declaration filed in prior application Serial No. \_\_\_\_\_.
- is claimed by way of the attached declaration.

8.  Priority of applications  
Serial No. 9606728.5, filed on March 29, 1996 in the United Kingdom  
Serial No. 9622853.1, filed on November 1, 1996 in the United Kingdom  
Serial No. 9705243.5, filed on March 13, 1997 in the United Kingdom  
are claimed under 35 U.S.C. 119.

a) [ X ] Certified copy is on file in prior application, Serial No. 09/155,406.

b) [ ] Certified copy filed herewith.

9. [ X ] The prior application is assigned of record to Byk Gulden Italia S.P.A.

10. [ X ] The Power of Attorney in the prior application is to at least one of the following:

John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; Marvin R. Stern, 20,640; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; William E. Player, 31,409; Yoon S. Ham, 45,307; and Nathaniel A. Humphries, 22,772.

a) [X] The power appears in the original papers of the prior application.

b) [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. [ X ] Petition to extend the life of the above prior application to at least the date hereof

(One box) [X] is being concurrently filed in  
NOTE:(must be) that prior application.  
(X'd) [ ] was previously filed in that application.  
[ ] is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. [ ] New formal drawings are enclosed.

13. [X] Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in Serial No. 09/155,406, filed December 2, 1998 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) [ ] More than one IDS was filed in the above Serial No. and copies of each IDS, less the documents, are enclosed.

14. [X] Enclosed is a copy of the PTO 892 which issued in Serial No. 09/155,406, filed December 2, 1998 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) [X] More than one PTO 892 issued in the above Serial No. 09/155,406 and copies of each PTO 892, less the documents, are enclosed.

Address all future correspondence to:

Customer No. 00136  
or  
JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
Telephone 202/638-6666

Enclosed is a copy of the prior application as originally filed, namely Serial No. 09/155,406, filed on December 2, 1998. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

By Irwin M. Aisenberg RN 20, 851  
for Irwin M. Aisenberg  
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Signed this 18 day of  
August, 2003

Attorney or Agent of record

Filed under 37 CFR 1.34(a)